

Mark David Gilbert,)	
)	Court of Appeals No. A-13274
Appellant(s),)	
v.)	Order
)	
State of Alaska,)	
)	
Appellee(s).)	Date of Order: April 22, 2019
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Trial Court Case # 3AN-12-08226CI		

A case like this — a prisoner’s civil appeal against the State of Alaska — is governed by the provisions of AS 9.19. Under AS 9.19.010(d), even when a prisoner cannot afford to pay the normal filing fee, the filing fee must be at least 20 percent of (1) the average monthly amount of deposits to the prisoner’s account during the preceding six months or (2) the average monthly balance of the prisoner’s account during the preceding six months, whichever is greater. As long as a prisoner has funds in his prisoner account, this Court is unaware of any authority that allows it to ignore the statute controlling Mr. Gilbert’s case. But this Court does have the authority to allow a payment plan for a prisoner, to allow the prisoner to comply with the statute.

Accordingly, IT IS ORDERED:

1. Mr. Gilbert's motion to either further reduce the filing fee or to waive the reduced filing fee is **DENIED**. But in the interests of justice, this Court will allow Mr. Gilbert to pay his \$8.50 filing fee in two monthly payments of \$4.25. The first \$4.25 payment is due May 22, 2019, and the second \$4.25 payment is due June 22, 2019.

2. If there is good reason, the Court may grant a modification of this payment plan. But if Mr. Gilbert fails to make either payment by the time allowed, this appeal will be rejected for filing and this case will be closed.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts

Beth A. Pechota, Deputy Clerk

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